

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

QIAN WILLIAMS,	:	Case No. 1:23-cv-2
	:	
Plaintiff,	:	
	:	
vs.	:	Judge Matthew W. McFarland
	:	Magistrate Judge Caroline H. Gentry
	:	
DALE TAYLOR, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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**DEFICIENCY ORDER**

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Plaintiff, a federal prisoner proceeding without the assistance of counsel, has submitted a complaint seeking declaratory judgment to the Court. (Doc. 1). The matter has been referred to the undersigned pursuant to 28 U.S.C. § 636(b) and General Order 22-05 regarding assignments and references to United States Magistrate Judges.

Plaintiff has not paid the filing fees required to commence this action or filed an application to proceed *in forma pauperis* and without the prepayment of fees. As a prisoner, Plaintiff is subject to the requirements of the Prison Litigation Reform Act of 1995 (PLRA), 28 U.S.C. § 1915(a)-(h). Under the PLRA, a prisoner seeking to bring a civil action in federal court without prepayment of fees or security—to proceed *in forma pauperis*—must submit specific information to the court. A prisoner must submit an application and affidavit to proceed without prepayment of fees and a certified copy of their trust fund account statement (or institutional equivalent) for the six-month period immediately prior to the filing of the complaint. 28 U.S.C. § 1915(a)(2). The trust fund account statement is obtained from the cashier of the prison or jail at which the prisoner is or was confined. *Id.*

A prisoner granted leave to proceed *in forma pauperis* must still pay the entire \$350 filing fee but will do so over time. 28 U.S.C. § 1915(b); 28 U.S.C. § 1914. The filing fee is collected through an initial assessment of 20 percent of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the account for the 6-month period immediately preceding the filing of the complaint, and through monthly payments thereafter in the amount of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b). A prisoner proceeding *in forma pauperis* will not be required to pay the Court's \$52 administrative fee. *See* Administrative Office of the U.S. Courts, *District Court Miscellaneous Fee Schedule*, United States Courts, No. 14 (issued in accordance with 28 U.S.C. § 1914), available at <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule> (accessed Jan. 20, 2023).

Plaintiff is **ORDERED** to either pay \$402 (\$350 filing fee plus \$52 administrative fee), or submit to the Court the "Application and Affidavit by Incarcerated Person to Proceed Without Prepayment of Fees" that is used by prisoners in this Court. He shall do so **WITHIN THIRTY DAYS** of the date of the Deficiency Order. If Plaintiff fails to do so, the Court shall dismiss this case for want of prosecution. *In re Prison Litigation Reform Act*, 105 F.3d 1131 (6th Cir. 1997). If Plaintiff's case is dismissed on this basis, it will not be reinstated to the Court's active docket despite the payment of the filing fee. *Id.*

For convenience, the Clerk of Court is **DIRECTED** to send Plaintiff a blank copy of the standard "Application and Affidavit by Incarcerated Person to Proceed Without Prepayment of Fees" along with this order.

**IT IS SO ORDERED.**

January 25, 2023

/s/ Caroline H. Gentry

Caroline H. Gentry

UNITED STATES MAGISTRATE JUDGE